

Message Text

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PAGE 01 HONG K 01007 280753Z

15

ACTION EA-10

INFO OCT-01 ISO-00 L-02 SCS-03 SCA-01 OMB-01 TRSE-00 EB-07

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FM AMCONSUL HONG KONG

TO SECSTATE WASHDC 3627

INFO USLO PEKING

LIMITED OFFICIAL USE HONG KONG 1007

E.O. 11652: N/A

TAGS: CDES CH US

SUBJ: RIGHT OF INHERITANCE IN THE PRC

REF: A) STATE 14971 B) HONG KONG 818

1. IN CONNECTION WITH QUESTIONS ABOUT RIGHT OF INHERITANCE IN PRC, YOU SHOULD BE AWARE THAT, AS REPORTED IN REF. (B), THE NEW PRC CONSTITUTION DOES NOT CONTAIN ANY CLAUSE GUARANTEEING THE RIGHT OF AN INDIVIDUAL TO INHERIT PRIVATE PROPERTY. BY CONTRAST, ARTICLE 12 OF THE 1954 CONSITUTION HAD SAID: " THE STATE PROTECTS THE RIGHT OF CITIZENS TO INHERIT PRIVATE PROPERTY ACCORDING TO LAW".

2. ALSO OMITTED FROM THE NEW CONSITUTION WAS THE ACKNOWLEDGEMENT OF THE EXISTANCE OF CAPITALIST OWNERSHIP OF THE MEANS OF PRODUCTION OR OWNERSHIP OF THEM BY INDIVIDUAL WORKING PEOPLE WHICH HAD APPEARED IN ARTICLE 5 OF THE 1954 CONSTITUTION.

3. ARTICLE 9 OF THE NEW CONSTITUTION DOES SAY ONLY THAT "THESTATE PROTECTS THE CITIZENS' RIGHT TO OWNERSHIP OF THEIR INCOME FROM WORK, THEIR SAVINGS, THEIR HOUSES, AND OTHER MEANS OF LIVELIHOOD." THE LAST PROBABLY REFERS TO SUCH THINGS AS AN ARTISAN'S TOOLS.

CROSS

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Message Attributes

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Disposition Authority: GolinoFR
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Disposition History: n/a
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Margaret P. Grafeld
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